

Exhibit 20H

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Rosie Ada

IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISL.

JOAQUIN Q. ATALIG,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 06-0119 (R)
)
OKP (CNMI) CORPORATION, ET AL,)
)
Defendants.)
_____)

CONFIDENTIAL

DEPOSITION OF JOAQUIN Q. ATALIG
VOLUME I

Date: FRIDAY, AUGUST 3, 2007
Location: CARLSMITH BALL
CARLSMITH BUILDING, CAPITOL HILL
SAIPAN, MP
TRANSCRIBER: BERNADETTE BALAJADIA, CSR No. 12841

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1 APPEARANCES

2

3 FOR PLAINTIFF: MR. RAY QUICHOCO, ESQ.

4 FOR PLAINTIFF: MR. MICHAEL W. DOTTS, ESQ

5 FOR DEFENDANT: SEAN FRINK, ESQ.

6 FOR DEFENDANT: MAYA B. KARA, ESQ.

7 DEPONENT: JOAQUIN Q. ATALIG

8 NOTARY PUBLIC: MARYLYN CAMACHO

9 ALSO PRESENT: TIMOTHY J. DELEON, VIDEOGRAPHER

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13 By Mr. FRINK 7

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15 E X H I B I T S

16 Letter Description Page marked

17 A Photograph 184

18 B Document of a drawing; layout of property 209

19

20

21

22 QUESTIONS INSTRUCTED NOT TO ANSWER:

23 (None)

24

25

1 outside the window there's some bougainvillea, and
2 that's what we're talking about; right?

3 A Maybe.

4 Q Okay. So you would plant that about that
5 close to -- your father would plant up about that close
6 to the rock wall and the wash basin and the water tank?

7 A Depend what you're gonna plant. My father
8 will not plant if it's watermelon, if it's cantaloupe.

9 Q Why is that?

10 A Because you're going to crowd the way to the
11 water tank.

12 Q Because they're creeping vines and they take
13 over?

14 A Okay.

15 Q Like bananas could be closer?

16 A Or corn, you know.

17 Q Okay.

18 A Or bell pepper.

19 Q Okay. Do you remember, as a child, farming
20 the area close to these items?

21 A I, uh --

22 Q The water tank, the wash basin, the rock wall?

23 A -- I always remember because we just have to
24 -- you cannot just always farm close to the wall, to the
25 latte.

1 Q Um-hum.

2 A You cannot just farm close. You can clear it,
3 clear it.

4 Q Um-hum.

5 A But you cannot just go and plant close.

6 Q I'm going to ask you about the latte right
7 now.

8 A I don't remember.

9 Q Okay.

10 A But it's there.

11 Q I'm asking about it right now. Are you ready?

12 A Um-hum.

13 Q Okay.

14 So am I correct that you're saying that
15 there's a latte stone cluster that OKP destroyed that is
16 close to the water tank?

17 A Yes.

18 Q Okay. Can you describe that cluster to me?
19 How many rocks were there?

20 A There is about -- because we fenced that in --
21 about two latte standing the way I saw it.

22 Q Um-hum.

23 A And the way I remember. And that's how I
24 fence it.

25 Q Um-hum.

1 A And some complete, too, and some standing; and
2 most of it is down.

3 Q Okay. How many stones were there total, latte
4 stones?

5 A Approximately six.

6 Q Okay.

7 A Supposed to be. But the cap is not there.

8 Q Okay. So when we're talking -- when we're
9 talking latte stones -- I'm just trying to define the
10 term for you to use throughout this -- this deposition.
11 When I say "complete," I mean a base stone with a
12 capstone.

13 A Um-hum.

14 Q Okay. So there's two stones, and obviously
15 the capstone goes on top; right? And the base stone
16 holds up the cap; right?

17 A Um-hum.

18 Q You understand what I'm talking about?

19 So here you're saying that the cluster of
20 latte stones that were near the water tank that -- that
21 OKP supposedly destroyed, there were two that were a
22 complete set, and they were still standing, and there
23 were four that were not complete sets that were laying
24 down?

25 A One -- I think one is with just the pillar.

1 Q Okay.

2 A And the others are all laying down.

3 Q So there's two --

4 A And a mota (phonetic).

5 Q What's a mota?

6 A What is that? The, uh --

7 FEMALE SPEAKER: (Inaudible.)

8 BY MR. FRINK:

9 Q Okay. Can you mark on this picture where that
10 set of latte stones that we were just talking about
11 would be on this picture? Can you see them?

12 A Somewhere here. Somewhere here, around here.

13 Q Okay. Could you make some Xs, please.

14 A (Complying.)

15 Q And could you write "latte," with an arrow
16 towards them.

17 A (Complying.)

18 MALE SPEAKER: And you said it right.

19 MR. FRINK: Trying to.

20 BY MR. FRINK:

21 Q Would you agree with me you can't see latte
22 stones in that picture at all?

23 A You cannot see here.

24 Q Okay. How about the lusong? Where was the
25 lusong?

1 A Um-hum.

2 Q Okay. And were the latte covered at all by
3 the Korean net?

4 A No.

5 Q Okay. Why do you call it a Korean net?

6 A It is a Korean net. In Rota they call that.

7 Q Okay. Meaning it's a fishing net?

8 A It's a fishing net.

9 Q Okay.

10 A They dragged it on the ship, I think.

11 Q Okay. And how -- how long was this net?

12 A Maybe -- maybe 15 feet.

13 Q Okay. How wide was it, then?

14 A Maybe up to this high, covers the flower.

15 Q Okay. So this high would be -- how many feet
16 would that be, approximately?

17 A Maybe five, six.

18 Q Okay. Okay. And were there any trees inside
19 the fence?

20 A Yes.

21 Q Okay. A flower hibiscus? Was it a hibiscus
22 plant?

23 A Maybe.

24 Q Okay. What kind of trees were inside the
25 fence?

1 A Nut tree.

2 Q What kind of nut tree?

3 A The one that you get from -- it's like this.

4 It's like cacao.

5 Q Okay.

6 A And when it's ripe, it's like breadfruit nut.

7 Q Um-hum.

8 A And it opens, and the nuts come down.

9 Q Okay.

10 A And, uh, lemons.

11 Q Okay.

12 A As a matter of fact, one of the breadfruit is
13 still there.

14 Q Okay.

15 A Fortunately.

16 Q Where is the breadfruit that's still there in
17 relation to where the fence was?

18 A It's still here, I think.

19 Q Will you put an "X"?

20 Is it inside or outside?

21 A Inside.

22 Q Okay. Why don't you put an "X" and the arrow
23 to it saying "breadfruit," please.

24 A (Complying.)

25 Q Okay. And what else was in there? Any other

1 trees in the area?

2 A Coconuts.

3 Q Any of the coconuts still there?

4 A One only.

5 Q Okay.

6 A I'm surprised.

7 Q How many were there? If there's only one now,
8 how many were there?

9 A I had coconuts all the way here.

10 Q So how many would that be?

11 A I don't know. Maybe more than three.

12 Q Okay.

13 A Big ones.

14 Q Okay. And what else?

15 A I guess that's all I have there.

16 Q Okay. Where would the lusong be? Inside the
17 fence, I take it?

18 A Yeah, inside. And, uh --

19 Q Could you make that a circle, just so people
20 don't mix that up with the X's you've drawn for the
21 latte?

22 A The what -- what --

23 Q The lusong.

24 A I'm not sure where here.

25 Q One second.

1 to the A-frame?

2 A The A-frame is the laundry room for the
3 Sunrise.

4 Q Okay.

5 A Which I don't believe we used that and also
6 storage for like lawn mowers and other things that --

7 Q Okay.

8 A My employee must go over there to do
9 something, and I don't know. Maybe they're looking for
10 (unintelligible) or -- but that's how they go --

11 Q Okay. I'm asking, is there -- is there -- is
12 there sort of a regular pathway that people would follow
13 from the hotel out to the A-frame? Like a foot -- just
14 a foot path, just, you know.

15 A I cleared this area. It's all cleared.

16 Q Okay.

17 A So anywhere can be a path.

18 Q Anywhere, okay. So --

19 A It's nice and manicured good.

20 Q Okay. So looking -- looking from -- let's say
21 you're standing at the corner of the hotel, you're
22 standing right there on the sidewalk, right there beside
23 it. On the corner of the hotel that's nearest to Latte
24 Stone Set No. 1, right by Room 108, okay, and you're
25 looking toward the A-frame, okay, and you said you got

1 the area cleared, would you be able to see Latte Stone
2 Set No. 6 near the taro patch?

3 A You wouldn't be able to see the set, but you
4 will be able to see big rocks.

5 Q Big rocks.

6 A The grass.

7 Q But you said it was cleared.

8 A No, not -- that area where the taro and the
9 latte because even the big lawnmower would not go there,
10 the tractor, so I leave it like that.

11 Q Okay. Why would the big lawnmower, the
12 tractor, not be able to go there?

13 A Because of the big boulders.

14 Q Okay.

15 A The latte.

16 Q So that's my question. You said -- that's why
17 I wanted to differentiate. Is there -- when you say the
18 big boulders, you're referring to the latte?

19 A Um-hum.

20 Q Are there any other big boulders around the
21 latte or it's just all latte?

22 A No, there's nothing.

23 Q Okay. So if you were to look from like I was
24 talking about, the corner of the hotel, in that
25 direction, and you saw -- you said you would be able to

1 see a stone at least? Is that what you said?

2 A You'll see a boulder.

3 Q Okay.

4 A A rock, a big rock --

5 Q Okay.

6 A You see the latte --

7 Q Okay.

8 A -- covered by muksisi.

9 Q Okay. Would a person be able to recognize it
10 as being a latte?

11 A Yes --

12 Q Okay.

13 A -- if you get closer.

14 Q Covered by muksisi? What's muksisi?

15 A It's a (unintelligible) line.

16 Q Okay.

17 A Close to the taro. Actually, it's just
18 together and --

19 Q Okay. And is that allowed to grow freely, the
20 muksisi?

21 A It's not allowed where you can easily take
22 care of your lawn, but if it's like this where it's
23 inside the latte and you don't want the latte to be
24 disturbed, so you don't even want to encourage anybody
25 go in there.

1 Q Okay. So this -- this area, the taro patch
2 area and the latte and the muksisi, is that level
3 ground? Is it raised ground? What does it look like
4 before OKP --

5 A The taro patch is raised.

6 Q Okay. How high?

7 A Maybe -- maybe 3 feet off the level of the
8 ground --

9 Q Okay.

10 A -- or so, and --

11 Q Is that because that's how taro grow better,
12 or it just was raised, and that's where you planted the
13 taro?

14 A No. It was the formation -- I think the
15 formation of the property there, and I have a cow.

16 Q Okay.

17 A And the cow do not feed on the taro.

18 Q Okay.

19 A And I use the taro for seedlings.

20 Q For ceilings?

21 A Seedlings.

22 Q Seedlings. Okay. Is it Hawaiian taro? What
23 kind of taro?

24 A They call that (unintelligible) taro.

25 Q Okay.

1 A So if you got it there, the cow don't really
2 go there because of the latte is bothering them to go
3 around so.

4 Q Okay.

5 A That's what I think.

6 Q Okay.

7 A You see a taro patch.

8 Q Okay. So what -- were those taro fenced in at
9 all?

10 A No.

11 Q I mean, that's -- or how about the latte?

12 A No.

13 Q No, okay. Any trees nearby?

14 A Some marone baray which is used -- the leaf is
15 used for chicken soup.

16 Q Okay. Is that something that you planted?

17 A Um-hum.

18 Q Okay. How about coconut? Any coconut palms
19 near the Latte Stone Set No. 6 near the taro patch?

20 A Used to be, but died.

21 Q Okay. Died before OKP was on the property
22 or --

23 A Yes, sir.

24 Q Okay. So looking in that direction from the
25 corner of the hotel near Room 108, you'd see one stone?

1 Q Yeah, you can draw them as a set and then
2 we'll indicate sort of which ones were which. Which
3 ones were standing, which ones weren't, that kind of
4 thing, if that's all right?

5 A (Inaudible) You want me to make six long?

6 Q If that's how many there were. The problem
7 with round, of course, round seems to say to me cap
8 stone. And what I heard you saying there's two cap
9 stones standing. How many cap stones are there total?

10 A Six. I'm not sure the cap stone, they are
11 down in the ground.

12 Q Okay. So were there -- there is more than the
13 two cap stones that were on the complete -- the two
14 complete stones. When I say complete stones, just like
15 before, means the base stone with the cap stone; right?
16 What's the Chamorro word for base stone and cap stone?
17 Is it haligi? Is that a word that is the cap stone?
18 Does that sound right? H-A-L-I-G-I?

19 A You can use that.

20 Q Okay. Was that the word for cap stone?

21 A No, the cap is -- haligi is the base.

22 Q Okay. So that is like what I have been
23 talking about is the base stone.

24 A Yeah.

25 Q Okay. Do you remember what the name in

1 Chamorro for cap stone is?

2 A Call it -- I don't know. I heard people call
3 it tasa, T-A-S-A, like a cup.

4 Q Okay. Is that Chamorro for cup as well, tasa?

5 A Um-hum.

6 Q I think you're right, I think I've heard that,
7 too. Okay.

8 So, how are we going to differentiate between
9 -- first, why don't you draw the two that were standing,
10 because that's easy, and make those circles.

11 A Make circle?

12 Q Yeah, for the two that were standing. Two
13 complete sets. Two stones, the haligi and tasa
14 together, tasa on top.

15 A This is the one that's not complete.

16 Q Okay. So where's the other complete one?

17 A This is the one that is not complete. The X.

18 Q Okay. The X's are not complete, the O's are
19 complete; meaning it's a base stone with a cap stone on
20 top; correct?

21 A Um-hum.

22 Q Okay.

23 A I'm not sure about this.

24 Q Okay.

25 A I'm not sure about this one (inaudible) I

1 A Yes.

2 Q Okay. Why don't you call it -- make a circle
3 and draw an arrow and write the word "grapefruit."

4 MS. KARA: Is the coconut trees (inaudible)?

5 BY MR. FRINK:

6 Q Are the coconut trees still there that you've
7 just drawn in there?

8 A I don't know if they're still there. But I
9 know there is some is not there.

10 Q Okay.

11 A This one is still there.

12 Q Grapefruit is still there. Okay.

13 Let's talk about the latte again; okay? So
14 you've got two circles in your group of latte; right?
15 And those indicate -- the circles indicate a complete
16 set; meaning cap stone on top of a pillar; right? On
17 top of a base stone. Then the others you've got one,
18 two, three, four, five, six, seven, eight, nine X's.

19 A Nine or more, I don't know.

20 Q Okay. Those indicate parts of other lattes,
21 meaning either a base stone or a cap stone?

22 A Um-hum.

23 Q Okay. So without differentiating between base
24 stones and cap stones if they are on the ground, if
25 they've fallen; right? Okay.

1 So do you know how many total stones there
2 were, other than the two complete sets you indicated
3 that you've indicated with circles, how many other total
4 stones were there on the ground?

5 A I can make a guess.

6 Q I'm asking do you know.

7 A No.

8 Q Okay. Okay. Do you have any records that
9 would indicate how many there were?

10 A No.

11 Q Okay. Pictures?

12 A Used to.

13 Q Okay. Any drawings?

14 A No drawings.

15 Q I take it when you say "used to" that means
16 you don't have them anymore?

17 A Yes, after the Typhoon Pongsona.

18 Q Okay. How about -- where were they stored,
19 these pictures?

20 A We stored them in the company storage.

21 Q Where's that?

22 A In the files.

23 Q Okay. Where, though? What -- what building?

24 A I think it's on the restaurant (inaudible).

25 Q Okay.

1 A Yeah.

2 Q -- talking about same thing as this, which is
3 end up with sort of a diagram of what the latte looked
4 like and which ones weren't standing, which weren't and
5 what their relationship (inaudible) --

6 A Can I draw straight like this to the latte
7 because the coordination of the --

8 Q Sure. But why don't you use the blue pen to
9 be consistent between (inaudible)?

10 A To A-frame --

11 Q Sure.

12 A Going to be over here.

13 Q Let's just stick to the taro patch, that's
14 fine. You have the A-frame you can make it in relation
15 to the A-frame, that's fine.

16 A Hopefully.

17 Q Hopefully. I understand. We're not doing it
18 to scale, I'm trying to get a feeling, like I said the
19 main thing I want is how the latte were in relation to
20 each other.

21 A You want for me to show you that the set like
22 this, the one that is --

23 Q Please.

24 A I don't know this is coordinated, looks like
25 this -- (inaudible.) Even this by Room 8, I'm not sure.

1 Q Okay. So --

2 A (Inaudible statement.)

3 Q Okay. So, to be clear, what you've got in the
4 bottom, in the middle you've written Room 8 and then
5 there is a circle, that is one of the latte that are
6 right by Room 108?

7 A Right.

8 Q Okay. Okay. Let's talk about the set near
9 the left, near the taro patch; okay? There is one
10 complete set, meaning a cap stone on a base stone?

11 A Um-hum.

12 Q And there is no other complete sets?

13 A I don't see any -- everything (inaudible).

14 Q Were there any cap stones?

15 A Cap stone?

16 Q Um-hum.

17 A Maybe. On the ground?

18 Q Yeah.

19 A Yeah.

20 Q Okay. How many?

21 A I don't know, just like this.

22 Q Okay. How many base stones? How many base
23 stones.

24 A We have to -- I don't see. I don't -- I
25 cannot answer that.

1 A Because it breaks.

2 Q Have you had a chance to figure out who
3 created Exhibit J?

4 A J? No.

5 Q Okay. So still do not know who created that?

6 A Honestly I did not write this.

7 Q I'm just asking, we talked about it yesterday.
8 That's why I was asking; okay?

9 A Maybe. Maybe -- I don't recall.

10 Q Okay. So let's move on. We'll keep C out
11 since we seem to be using that so often.

12 Latte set number two; okay? I'll ask you a
13 couple questions about that.

14 If you were -- if you were walking along what
15 we've called the railroad track, railroad track; right?
16 You were walking along the railroad track, you know, and
17 say the grass was as high as, you know, that picture
18 that we first used, Exhibit B, the grass was as high as
19 it is in Exhibit A; okay? You're walking along that
20 road, anywhere along that road, I'm just saying that you
21 could pick any point you want, would you be able to see
22 latte stone set number two?

23 A Maybe.

24 Q Okay. Why maybe?

25 A Because this row planted with citrus, and you

1 cannot see.

2 Q Okay. Were there trees between the latte and
3 the roadway?

4 A Yes.

5 Q What kind of trees?

6 A They removed the trees by the fence, was a
7 Chamorro lemon, they call it lemoncina. (inaudible)
8 lemon native on Rota and it's very good for (inaudible)
9 with soy sauce.

10 Q If you were to go along what we call the
11 trail; right? That ran alongside the -- the fence, the
12 barbed wire fence, you were to walk along that trail,
13 would you be able to see the latte?

14 A Based on here?

15 Q Yeah.

16 A I think so. But when I was managing this, you
17 know, this is all fruits like the nut tree, you cannot
18 see.

19 Q Okay. So how long ago were those -- were
20 those trees planted?

21 A Maybe more than ten years.

22 Q Okay. And they were in existence when OKP
23 moved on the property?

24 A They're there.

25 Q Okay. And about how many trees were there

1 between the roadway -- let me be real clear on my
2 question to you; okay?

3 A Um-hum.

4 Q So, within the fence line --

5 A Um-hum.

6 Q -- within the red fence line you indicated on
7 Exhibit O; okay? And I knew you drew the fence, you
8 said there was a fence that ran along the roadway that
9 you've indicated on Exhibit A; right? That's the ifek
10 with three strand barbed wire except there was one
11 strand along where the hibiscus was --

12 A Maybe one, maybe three.

13 Q Maybe one, maybe three, along where the
14 hibiscus ran and you said there was a Korean net; right?

15 A Yes.

16 Q That Korean net is where the hibiscus was as
17 well?

18 A As well.

19 Q Okay. In that area; okay? To the north of
20 the water tank, north of the water tank within that
21 fence line, how many trees were there when OKP moved on
22 the property?

23 A I'm not sure.

24 Q More than 10?

25 A Maybe (inaudible).

1 Q Um-hum.

2 A I have nut tree there, I have lemoncina there,
3 coconut there, betel nut there. You know, it's crowded,
4 you have to crowd this area with that kind of plants,
5 it's not a great big plant (inaudible).

6 Q Okay.

7 A My flower.

8 Q Okay. You had the hibiscus, of course. Any
9 other bushes?

10 A I'm not sure.

11 Q Okay. So those trees would not have been
12 there in 1988 when the Exhibit A picture was taken;
13 right?

14 A Maybe.

15 Q Maybe would be? Maybe wouldn't be? Don't
16 know?

17 A It was a pasture at the time.

18 Q Okay.

19 A Raising cow.

20 Q Right.

21 A So it's not all trees everywhere.

22 Q Okay.

23 A (Inaudible statement.)

24 Q Okay. So would it be fair to say that you put
25 the trees that we're talking and inside this fence line

1 on Exhibit O near latte stone set number two, that you
2 planted those trees after you first created the hotel?

3 A After? No, I think before. Because, you
4 know, you have to fence in so that the cow will not come
5 in.

6 Q Okay. So you fenced in these trees --

7 A Together with the latte.

8 Q -- together with the latte so the cows would
9 not come in.

10 What you said before when you were talking
11 about the fence, you said that there were openings in
12 the fence; right?

13 A An entrance.

14 Q There was an entrance. Does that mean a gate?

15 A It's very difficult for you maybe to realize a
16 gate. But for me a gate is -- how can it go --

17 Q I'll give you another sheet of paper; how's
18 that? One second. I'll make it P. Okay. P as in
19 Paul. I don't know the military jargon, unfortunately.

20 (Exhibit P was marked.)

21 THE WITNESS: Red pen?

22 BY MR. FRINK:

23 Q Sure.

24 A (inaudible) okay?

25 Q Yep. Barbed wire and you've got a hook that

1 Q In that lawsuit. Okay.

2 So, going back to this soil and other minerals
3 claim we were talking about in the complaint, you said
4 rocks that were in the soil. What else? What else are
5 you claiming that we took?

6 A And whatever that is there in the soil, latte
7 that they removed, whatever.

8 Q So are you saying the latte and the lommok are
9 minerals?

10 A Assuming.

11 Q Okay. What do you mean by assuming?

12 A I don't even really know what is the minerals
13 there.

14 Q Okay. So you understand my client wants to
15 know what you're claiming that they've taken. What
16 minerals have they taken? That's what I'm asking you?
17 What soil and other minerals have they supposedly
18 converted?

19 A Well, those are the things I'm saying. Maybe
20 the rocks, the soil. The other things in the soil.
21 Whatever there is.

22 Q Okay.

23 A That has been disturbed.

24 Q Okay. When was the last time you saw the
25 Japanese wash basin? We called it a wash basin with

1 with him?

2 A. I think about a week after that.

3 Q. So I'm going to call that the second meeting.

4 A. Second meeting.

5 Q. Okay. About a week later. Who was present at
6 that -- at that meeting?

7 A. Jackie and myself and Brian. I think we met
8 in the restaurant. I'm not sure whether that time he
9 introduced me to his contractor. What's his name? He
10 brought a contractor, and they were surveying -- they
11 were to survey the place before we signed the lease,
12 just negotiating.

13 Q. Okay. So was this a surveyor or a contractor?

14 A. I think they introduce me as a contractor.

15 Q. Okay.

16 A. I forgot his name.

17 Q. Do you remember where he was from?

18 A. Seems like he knows me, is a Filipino man, but
19 I couldn't place him in my --

20 Q. Okay. So Jackie was there, Brian was there,
21 you were there, and this contractor.

22 A. Maybe.

23 Q. You said maybe. Before you --

24 A. Before, before we had the meeting.

25 Q. Okay. Anyone else present at the meeting?

1 A. No.

2 Q. Did Jackie take shorthand notes?

3 A. All the time.

4 Q. Do you know where those shorthand notes are?

5 A. I told you I will look for that.

6 Q. Okay. So same as the first meeting notes?

7 A. Yes, sir.

8 Q. Okay.

9 A. All transcribed, transcribed of second
10 meeting.

11 Q. Okay. What was discussed at that second
12 meeting?

13 A. The site for the prefabricated building. I
14 was suggesting to replace on the platform where you used
15 to have the barn outside toward the cliff area, facing
16 the cliff side, have a concrete slab there. But I'm not
17 sure whether he agree or don't agree, because I think at
18 that time he was rushing the discussion, make everything
19 is okay, including the drinks, the [inaudible] of the
20 drinks, the utensils, it's all okay. And he was rushing
21 the discussion so that he can take that contractor he
22 came to show the area. It wasn't a long meeting. And
23 it was scheduled to continue next time he comes.

24 Q. How long would -- how long would you say the
25 meeting was?

1 A. Maybe ten, 15 minutes. And that he will be
2 coming and everything is now, he'll secure the lease,
3 and he will give me advance, like six months' advance,
4 because he's looking at the time deadline for his start.

5 Q. Okay. Now, at the first meeting, had you
6 discussed price for the lease?

7 A. I think it's right at that at \$30 a day, the
8 room, per person, the normal rate. And we compute that
9 for 30 days and we come up with an agreeable rate at
10 3,000 a month.

11 Q. Which meeting was that?

12 A. 3,000 a month for the entire area.

13 Q. What meeting was that discussed?

14 A. The thing was proposed on the second meeting.

15 Q. Who proposed that?

16 A. Brian, when he feel like he's not going to be
17 paying me per month, some are per day, and I will change
18 the rate and to accommodate his lease --

19 Q. Okay.

20 A. -- for each room.

21 Q. Do you recall anything else that was discussed
22 at the second meeting?

23 A. No, sir.

24 Q. You said the meeting took place in the
25 restaurant --

1 and the booth, the A-frame booth that I use as private
2 dining.

3 Q. I'm sorry, the what?

4 A. A-frame booth.

5 Q. A-frame booth?

6 A. That I use for private dining. I have maybe
7 three there between the old restaurant and the rooms
8 building.

9 Then we walk past the room and I show him the
10 latte and Room 8, and I show him -- pointed to him about
11 where the repair shop should be placed by the first gate
12 coming from the airport, first entrance, assigned with
13 the hotel building and approximately the same distance
14 from the Route 100, but not to be closer to 100 feet
15 from the latte, specifically mentioned.

16 Q. And when you say "the latte," you're talking
17 about the ones you showed by Room 8?

18 A. Yes, sir. And I point also several areas.

19 Q. What areas did you point?

20 A. I point also that there a latte there in
21 that -- by the taro patch and also back there by the
22 water tank.

23 Q. And when you pointed that out, who was present
24 besides Brian?

25 A. I think Jack was present.

1 Q. Okay. And you said you pointed to the taro
2 patch and what else?

3 A. The water tank area.

4 Q. Okay. As best as you can recall, what were
5 the words that you used when you pointed this out? What
6 did you say?

7 A. You try to align with this hotel your shop,
8 coming from the airport on the first gate, may be same
9 distance to the road as the hotel, and also have the
10 latte there, back there, it's one time, and over there
11 at the taro is the specific words. Oh, yes, I know.

12 Q. Who said that?

13 A. Brian.

14 Q. Did he say how he knew?

15 A. I didn't ask him how he know.

16 Q. But did he say?

17 A. He didn't say. He's more interested to
18 continue, because he's going to renovate and his guys
19 are coming.

20 Q. Did you say anything else about any latte
21 stones at that time, at that meeting?

22 A. No, sir.

23 Q. So about how long did that third meeting last?

24 A. Maybe like 20 minutes.

25 Q. And other than what you've told us, did you do

1 Q. Okay. So to be clear, okay, you did tell
2 Edita to tell OKP to stay away from the area near the
3 water tank, the lattes and the -- the fence area near
4 the water tank. You did tell her that?

5 A. In this area.

6 Q. Okay. You did tell her that. You did not
7 tell her to tell them to stay away from the taro patch
8 latte; correct? I'll ask you the next question, you can
9 fill in the rest, I promise --

10 A. All right.

11 Q. -- okay. So --

12 A. No.

13 Q. -- am I correct --

14 A. No.

15 Q. -- that you did not?

16 A. No.

17 Q. Okay. But the reason did you not tell her
18 just tell them to stay away from the taro patch latte
19 was because she told that you they were clearing the
20 soccer field, and it was your understanding that the
21 soccer field area that they were intending to clear
22 would have been nowhere near the taro patch area so you
23 didn't even think that you needed --

24 A. Yes --

25 Q. -- to discuss that.

1 A. -- sir.

2 Q. Meligno Sablan Okay, okay. So other than those
3 two times, okay, the time that you told Brian yourself
4 and the time that you told Edita to tell Reddy, okay, is
5 there any other time that you have communicated to OKP
6 or any of its representatives regarding these two sets
7 of lattes, the -- the latte set number 2 near the water
8 tank and the latte set number 6 near the taro patch?

9 A. That's it.

10 Q. Okay. So let's talk about those two
11 incidents; okay? Because I think it's important that
12 we -- that we understand each other, because in my mind,
13 those are pretty critical incidents in this case, okay?
14 So we've got the one with Edita, okay, where you told
15 her what to say, right, or told her what to tell them;
16 okay? But you don't know exactly what she said because
17 you weren't there.

18 A. I know exactly what she said.

19 Q. Because she's told you now. But you weren't
20 there; right?

21 A. She told me on the phone.

22 Q. Okay. She told you on the phone at the time
23 that you told her to tell them that? Or she told you
24 later?

25 A. She told me on the phone and wait for my

1 wall and the water basin and the latte that were near
2 that water tank that I'm talking about now a little bit?

3 A. Yes, sir.

4 Q. Okay. I believe -- let me find that just to
5 make sure we're talking the same thing to each other.
6 There it is. Exhibit A, basically the items in
7 Exhibit A and the latte that were nearby and the lusong
8 that was nearby.

9 A. Uh-huh.

10 Q. We were talking about the approximate value of
11 the trees and shrubs that were within that fence line.

12 A. Yes, sir.

13 Q. Okay. And we said -- I think we said -- you
14 said maybe around \$10,000; is that correct?

15 A. The trees?

16 Q. Yeah, trees and shrubs.

17 A. Yes, sir.

18 Q. Okay. So as I understand it, that's one of
19 the things you're suing OKP and the other defendants for
20 is the destruction of the trees and shrubs on your
21 property; right?

22 A. Uh-huh.

23 Q. So other than the trees and shrubs that were
24 inside the fence line of the area you can see in
25 Exhibit A, the fence line that immediately surrounds the

1 rock wall and the water tank and the wash basin, were
2 there any other trees and shrubs that you're suing OKP
3 and the other defendants for?

4 A. I'm not sure.

5 Q. Okay. How about the minerals? We talked a
6 little bit about minerals. And I don't know if you
7 know, but Mr. Quichocho and I have quite an argument in
8 this case about what the meaning of soil and other
9 minerals that is in -- in the Complaint. Do you recall
10 that motion?

11 A. Yes, sir.

12 Q. Okay. And I believe what the judge ruled in
13 that motion is basically that some minerals can be such
14 a part of the soil that even though there's government
15 withholding of your -- withholding of rights regarding
16 minerals that you, in fact, could own those minerals
17 too; is that correct?

18 A. I'm not sure.

19 Q. Okay. Do you remember me asking you what
20 minerals you were suing for, and you said soil as
21 opposed to the rocks in the soil and the minerals in the
22 soil?

23 A. I wasn't too sure, because I'm not sure of the
24 mineral.

25 Q. Okay. So why don't you tell me, do you know

1 Q. You're are aware of him causing any damage
2 to -- to the dirty kitchen, or the -- or the laundry
3 that we talked about?

4 A. After I left the place, everything else, all
5 the damages is just irresponsible damage.

6 Q. Okay. So fair to say you don't know whether
7 or not he was involved with that damage?

8 A. I'm not sure, sir.

9 Q. Okay. Has anybody told you that Reddy
10 Goluguri was involved with the damage to the laundry,
11 dirty kitchen, A-frame or taking the items from the --

12 A. Other than what Mr. Brian Chen said, that he
13 is the one in charge, I never look into that any more
14 who was responsible.

15 Q. Brian Chen said who was in charge?

16 A. Reddy, the engineer, he's in charge of the
17 operation there.

18 Q. All right. How about Mr. Jaiphakdee? I think
19 you told me earlier you think he's the one that operated
20 the heavy equipment that caused the damage to the yard;
21 is that correct? Clearing the yard caused the damage to
22 the latte, and --

23 A. Yes, sir.

24 Q. Okay. Are you aware of whether or not he was
25 involved in the -- in the claim that the A-frame and the

1 A. Ginalangan property.

2 Q. So they destroyed your entire property?

3 A. The heavy equipment operators, the operator
4 equipment.

5 Q. Uh-huh.

6 A. If they're the ones, then they are the one.

7 Q. So do you --

8 A. I don't see them personally.

9 Q. Okay. If they are the one, then they did so
10 wilfully; is that what you're saying?

11 A. More than wilfully, I think.

12 Q. Okay. So my question to you is: What
13 knowledge do you have, for instance, that Mr. Promchai
14 Wilai or Mr. Premuan Jaiphakdee had any knowledge of the
15 existence of, for instance, the latte stones and the
16 lumok?

17 A. I don't see them personally.

18 Q. Okay. But I mean do -- do you have any
19 knowledge to --

20 A. No.

21 Q. -- indicate that they knew about those things?

22 A. No, I do not have knowledge that they knew.

23 Q. Okay. So it's possible that they didn't
24 intentionally damage these things.

25 A. Possibly.

CERTIFICATE TRANSCRIPTION

I, SHELLY A. SCOTT, CSR License No. 12005, State of California, certify that the foregoing deposition was transcribed by the use of computer-aided transcription under my direction;

That the foregoing deposition is a true record of the testimony of the witness and of all objections made at the time of the examination as contained in the audio files provided to me;

That I am not of counsel or attorney for any of the parties in the above entitled matter, nor a relative or employee of such attorney our counsel, nor am I financially interested in the outcome of said matter;

That the deponent will be notified to review and sign the foregoing deposition by the attorneys for the plaintiff.

Witness my hand this 17th day of September, 2007.

(Electronically transmitted - S.A.S.)____
SHELLY A. SCOTT, CSR License No. 12005

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RE: Atalig v. OKP 06-0119
Defendant Deposition Transcripts

Received from the Law Firm of Mailman & Kara, LLC the following document/s:

1. ONE (1) DVD containing .wav audio files of deposition proceedings for the following dates: 08/04/07, 08/06/07, 08/07/07, 08/08/07, 08/09/07, 08/10/07, 08/13/07, 08/30/07, and 08/31/07
2. ONE (1) CD containing nine (9) volumes of eTranscripts, electronic copies of Exhibits A-Z, AA-ZZ, and AAA-JJJ, and a viewer installation file --- double click on the envsetup.exe file and a program will install that will allow you to view your transcript(s)
3. ONE (1) HARD-PRINTED COPY, including Exhibits as noted at the beginning of each transcript, as follows:
 - Volume 1 08/04/07; note your comments as instructed on page 253
 - Volume 2 08/06/07; note your comments as instructed on page 505
 - Volume 3 08/07/07; note your comments as instructed on page 610
 - Volume 4 08/08/07; note your comments as instructed on page 708
 - Volume 5 08/09/07; note your comments as instructed on page 889
 - Volume 6 08/10/07; note your comments as instructed on page 950
 - Volume 7 08/13/07; note your comments as instructed on page 1045
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Dated: September 19, 2007.

Place/Time: 9/19/07 11:25 am

MIMI USMAN
Print/Sign Name